

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DEBRA SPERO**, as Natural Mother of  
**V.S.**, an infant,

Plaintiffs,

-against-

**ORDER TO SHOW CAUSE FOR  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION  
Civil Action No.: 3:17-cv-7 (GTS-DEP)**

**VESTAL CENTRAL SCHOOL DISTRICT  
BOARD OF EDUCATION, VESTAL CENTRAL SCHOOL  
DISTRICT, JEFFREY AHEARN**, Superintendent of Schools,  
**ALBERT A. PENNA**, Interim Principal Vestal  
High School, **DEBORAH CADDICK, CLIFFORD  
KASSON**, in their Individual and Official Capacities.  
Defendants.

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**UPON** the reading and filing of Plaintiffs' First Amended Complaint, the Declaration of V.S., dated the 3<sup>rd</sup> day of May, 2017, the Declaration of Debra Spero dated the 3<sup>rd</sup> day of May, 2017, the Declaration of Plaintiff's counsel, Willa S. Payne, dated the 8<sup>th</sup> day of May, 2017 with exhibits annexed thereto, and the Memorandum of Law, dated the 8<sup>th</sup> day of May, 2017, in support of plaintiff's application;

**UPON** notice being given to opposing counsel, Christopher Militello, Esq., by email on May 5, 2017, that a Temporary Restraining Order and Preliminary Injunction would be sought by Order to Show Cause, and that same relief not being granted by Defendants; it is hereby

**ORDERED**, that the Defendant show cause before a motion term of this Court, at the United States Courthouse for the Northern District of New York, at \_\_\_\_\_, New York, on the \_\_\_\_ day of \_\_\_\_\_, 2017 at \_\_\_\_ o'clock in the \_\_\_\_ noon, or as soon thereafter as counsel may be heard, why an order should not issue pursuant to Federal Rule of Civil Procedure 65 enjoining Defendants to:

- a. Immediately reinstate V.S. to instruction at Vestal High School;
- b. Provide an evaluation by the guidance office as to what courses are necessary for V.S. to earn his high school regents diploma;
- c. Provide V.S. with tutoring to assist him in bringing him up to date in his classwork and prepare him for his pending Regents Examinations;

and it is further

**ORDERED**, that pending a hearing and determination on this Order to Show Cause Defendants must re-instate V.S. to educational instruction at Vestal High School immediately; and it is further

**ORDERED**, that in the alternative, pending a hearing and determination on this Order to Show Cause Defendants must provide V.S. with all work missed to date in each of his classes along with a minimum of three hours of tutoring per day at a mutually agreeable location; and it is further

**ORDERED**, that defendants serve and file any opposition to the preliminary injunction on or before the \_\_\_\_ of \_\_\_\_\_, 2017; and it is further

**ORDERED**, that reply papers, if any, shall be filed on or before the \_\_\_\_ of \_\_\_\_\_, 2017.

**Dated:**

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HON. GLENN T. SUDDABY  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF NEW YORK